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October 31, 2003

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VIA HAND DELIVERY

The Honorable Patti B. Saris
United States District Court for the District of Massachusetts
1 Courthouse Way
Boston, MA 02210

Re: MDL No. 1456, Civil Action No. 01-CV-12257-PBS (*Robert J. Swanston v. TAP Pharmaceutical Prods., Inc., et al.*)

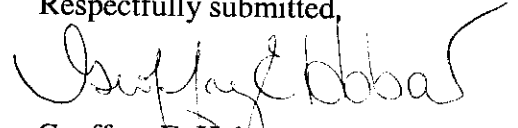
Dear Judge Saris:

On behalf of the defendants in this action, I am writing to follow up on the request Your Honor made at the October 9, 2003, hearing asking defendants to address whether properly-served defendants consented to removal of this action. On October 30, 2003, lawyers from this firm were able to access the *Swanston* file held at the federal courthouse in Boston. From our review, we learned that this file only contained documents filed with the Arizona federal court and did not include any documents filed prior to the Notice of Removal. Because information relating to service of process on the defendants may have been filed with the Arizona state court, we believe that this information may still be held by either the federal district court in Arizona or by the Arizona state court. We are following up with these courts to obtain the information that Your Honor requested. Accordingly, defendants respectfully request until November 10, 2003, in which to address the issue of consent.

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Respectfully submitted,



Geoffrey E. Hobart

cc: All counsel of record (via Verilaw)

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